

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 816**

**House Bill No. 909**

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 14, Part 3, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. (a) Swimming pools owned and operated by multi-family residential housing homeowner associations shall be subject to rules and regulations promulgated by the state department of health. Such rules and regulations shall be promulgated by the department of health to prescribe minimal sanitation and safety standards for multi-family residential housing swimming pools.

(b)

(1) If an inspection of a swimming pool owned and operated by a multi-family residential housing homeowner association results in a finding that minimum standards are not met, the homeowners association shall be required to post notice within ten (1) days from the date of the inspection that such swimming pool does not comply with the minimum standards required by the Department.

(2) Such notice shall be posted by the homeowner association in a conspicuous manner at each place of ingress and egress. Conspicuous manner shall mean at a place designated by the inspector at the time of inspection.

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(3) Such notice shall be in the form of a sign of durable construction. The sign shall be printed in letters of at least one inch (1") in height with the exception of the word "NOTICE" which shall be printed in letters a minimum of two inches (2") in height and in a color contrasting to the background. Such notice shall include but not be limited to the following:

**NOTICE!**

The \_\_\_\_\_ swimming pool does not comply with the minimum standards required by the Tennessee Department of Health.

(c) No local governmental agency may prescribe or enforce standards which are more stringent than the standards promulgated by the state department of health.

(d) No governmental agency shall have the power or authority to require the closing of a multi-family residential housing swimming pool owned and operated by a homeowner association for the failure to meet minimum safety and sanitation requirements.

(e) If a multi-family residential housing swimming pool fails to meet state safety and sanitation standards and the homeowners' association posts the notice required by subsection (b) and keeps such swimming pool in operation, the homeowners' association shall assume all liability for any risk to health which may occur as a result of operating such swimming pool.

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SECTION 2. Tennessee Code Annotated, Section 68-14-302(a), is amended by adding the following new items thereto:

( ) "Multi-family residential housing swimming pool" means a private swimming pool maintained by a homeowners' association solely for the use and benefit of the members of such homeowners' association and their guests;

( ) "Multi-family residential housing" means condominiums, subdivisions and individual residential housing developments which share common grounds, parking facilities, tennis courts, swimming pools and similar recreational facilities which are operated by a homeowners' association;

( ) "Homeowners' association" means a nonprofit corporation which manages or contracts for the management of the common areas of a residential multi-family housing development. A homeowners' association is governed by a board of directors elected by a majority vote of the individual homeowners;

SECTION 3. It is the intent of the general assembly that the department of health promulgate rules and regulations pursuant to title 4, chapter 5, to effectuate the purposes of this act. It is further the intent of the general assembly that such rules and regulations shall not be more stringent than those safety and sanitation rules and regulations promulgated for public swimming pools in 1985. All rules and regulations in effect upon the effective date of this act relative to multi-family residential housing

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swimming pools shall not be enforced in regard to multi-family residential housing  
swimming pools until such new rules and regulations become effective.

SECTION 4. The provisions of this act shall not apply to any swimming pool  
owned or operated by a homeowners' association which is constructed after the effective  
date of this act.

SECTION 5. This act shall take effect upon becoming a law, the public welfare  
requiring it.